



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

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Arnold Schwarzenegger
Governor

April 3, 2007

Karen King, Executive Officer
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

VIA CERTIFIED MAIL
7006 3450 0003 7392 6803

In reply refer to:
CWU:10-3022900.02:neilb

**RE: NOTICE OF VIOLATION NO. R9-2007-0063 &
REQUIRED TECHNICAL REPORT**

Subject Site: Sprinter Rail Construction from Oceanside to Escondido

Dear Ms. King,

Enclosed is **Notice of Violation (NOV) No. NO. R9-2007-0063** for the subject site in the City of Oceanside. The violations specified were identified during a site inspection on March 21, 2007. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the San Diego Regional Water Quality Control Board (SDRWQCB) directs you to submit a **Required Technical Report (RTR)** received at the SDRWQCB no later than **5:00 PM, April 24, 2007**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to determine if appropriate BMPs have been installed and to assess the need for further enforcement actions. The RTR shall include the following Sections:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System or Water of the United States and what immediate steps were taken to stop the discharge.
2. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
3. A Storm Water Pollution Prevention Plan (SWPPP) section including:
 - a. A complete copy of the onsite SWPPP.
 - b. Copies of all pre, during and post rainstorm inspection reports since the project start date.
 - c. A current map of the site showing all storm drain inlets and their subsequent outfalls to waters of the State.

California Environmental Protection Agency

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The submitted Required Technical Report shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Note: All documents requiring signature shall be signed per the General Construction Permit, Water Quality Order No. 99-08, Section C.9.a (1&2), as follows:

“For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.”

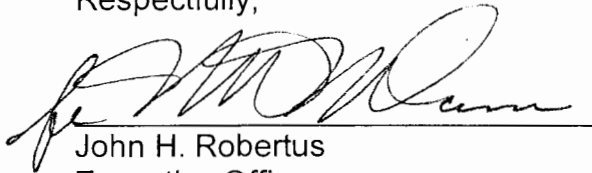
Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Ben Neill at (858) 467-2983 or email: bneill@waterboards.ca.gov. Written correspondence should be directed to the following address:

John H. Robertus
Executive Officer
Attn: Ben Neill
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,



John H. Robertus
Executive Officer

Attachments: Notice of Violation

CC: U.S. EPA, Ellen Blake

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CC: Walt Ekard
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CIWQS: 323052

Summary of Violations observed on site within the City of Oceanside:

I. FAILURE TO PREVENT PROHIBITED DISCHARGES

➤ Pursuant to Water Quality Order No. 99-08, Prohibition A.2:

- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

Observation: Your site was documented as having two unauthorized discharges of sediment to Loma Alta Creek. The two unauthorized discharges were within the City of Oceanside near the El Camino Road crossing and along Oceanside Blvd South near Union Plaza Court.

II. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:

- Sediment Control: Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season.

Observation: Your site lacked effective sediment controls along the site perimeter. Fiber rolls had been driven over repeatedly destroying the fiber rolls. Other areas along Oceanside Blvd. and Loma Alta Creek completely lacked sediment controls such as silt fencing or fiber rolls. Storm drain inlet protection had an inadequate amount of gravel bag protection and a temporary construction road built across the corner of one inlet.

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:

- Sediment Control: [implement] BMPs to reduce the tracking of sediment onto public or private roads at all times.

Observation: Construction site exits had insufficient BMPs to reduce the tracking of sediment onto paved roads. Significant sediment tracking was observed onto Oceanside Blvd near Rancho del Oro. The rock gravel apron implemented to prevent tracking was inadequate in width and length. Site personnel purposefully drove around the rock apron to exit the site.

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.5.b.4 & b.5:

- [Provide] ...areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas. (Implement) ...BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas.

Observation: Your site had inadequate BMPs to minimize or eliminate the exposure of storm water to construction waste and trash. Near El Camino Real rail crossing, a soil stockpile and a construction waste pile were uncovered and not contained to minimize exposure to storm water and runoff.

Questions pertaining to the issuance of this Notice of Violation should be directed to Ben Neill at (858) 467-2983 or email: bneill@waterboards.ca.gov. If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately.



Michael P. McCann
Supervising Water Resource Control Engineer

April 3, 2007
Date

Enclosure: Facility Inspection Report with Photos.

CIWQS: 323050